



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

Agenda

Meeting of February 11, 2004

9:00 a.m., Commission Offices, 242 State Street, Augusta, Maine

ROUTINE BUSINESS

1. Ratification of minutes of January 14, 2004 meeting

NEW BUSINESS

2. Use of Maine Clean Election Act Funds for Legal Expenses

Following the 2002 elections, two questions arose regarding whether candidates could use public funds to pay for legal expenses. In August 2002, a complaint was filed against Aroostook County Probate Judge James P. Dunleavy with the Committee on Judicial Responsibility and Disability charging that he should have resigned from his judicial office before running for State Senate in 2002. Judge Dunleavy asks whether he can use Maine Clean Election Act funds to pay his legal defense costs. His attorney, James E. Mitchell, is expected to make a presentation to the Commission. The campaign of Ethan Strimling asks whether it should reimburse the Maine Clean Election Fund for the costs of legal research regarding whether Mr. Strimling was prohibited from running for the State Senate under the federal Hatch Act. A memorandum is attached discussing the issues.

3. Penalty Determination – Maine Green Independent Party

Quarterly Campaign Finance Report

Due 1/15/04; filed 1/16/04 - 1 day late

Statutory penalty: \$72.78

Staff recommendation: assess a penalty of \$36.39 (reduced by 50% for first late filing)

4. Amendments to Commission Rules

The Commission has received comments on its proposed rule amendments, which were attached to the agenda for the January 14 meeting. The Commission may, if it wishes, adopt major substantive rules which would be referred to the Legislature for its consideration. The deadline for submitting major substantive rule amendments to the Legislature is February 20, 2004.

5. Write-In Candidates

The Commission has been asked whether a Maine Clean Election Act candidate who has a write-in opponent is considered to be running in a contested election, which would result in a larger payment of public funds. The Commission staff has attached a brief recommended policy on issues involving write-in candidates.

6. Campaign Literature for February 3 Special Election

The Commission has received a piece of campaign literature that was reportedly mailed to about 2,000 voters in the February 3, 2004 special election for House District #18 in Biddeford. The three candidates in the election were Stephen Beaudette (Democratic Party), Brian Pooler (Republican), and Dorothy LaFortune (Green-Independent). The literature raises at least two enforcement issues. There appears to be an inaccurate “paid for” attribution on the literature which is punishable with a civil penalty. Also, if the literature was printed and mailed independently of the three campaigns, it should have been disclosed in an independent expenditure report within 48 hours of the expenditure. (All three campaigns have denied to the press that they were involved with the mailing.) The Commission staff requests authorization to conduct an investigation to determine who was responsible for the literature.

7. Other

Miscellaneous as needed.

EXECUTIVE SESSION

If necessary.

ADJOURNMENT